

## Detailed Minutes - Final

### City Commission

*Lamar Fisher, Mayor*

*Charlotte J. Burrie, Vice Mayor*

*Rex Hardin, Commissioner*

*Barry Moss, Commissioner*

*Beverly Perkins, Commissioner*

*Michael Sobel, Commissioner*

*Gregory P. Harrison, City Manager*

*Mark Berman, City Attorney*

*Asceleta Hammond, City Clerk*

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Tuesday, April 25, 2017

5:00 PM

Commission Chambers

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### City Commission Meeting

#### CALL TO ORDER

The Honorable Mayor Lamar Fisher called the meeting to order at 5:00 p.m.

#### ROLL CALL

**Present:** Commissioner Rex Hardin  
Commissioner Barry Moss  
Commissioner Beverly Perkins  
Commissioner Michael Sobel  
Vice Mayor Charlotte Burrie  
Mayor Lamar Fisher

#### EXECUTIVE SESSION

Meeting went into Recess

Meeting Reconvened

**17-392 Advice concerning litigation in relation to settlement matters and/or strategy sessions.**

Counsel is seeking advice concerning litigation in relation to settlement matters and/or strategy sessions relating to the following matter:

Pompano Beach Community Redevelopment Agency and City of Pompano Beach, Florida v. the State of Florida, et al. and Broward County, Florida; Broward Circuit Court Case No. 14-009654(18)

Those in attendance will be the City Commission members; Pompano Beach Community Redevelopment Agency Board members; Gregory P. Harrison, the City Manager; Mark E. Berman, the City Attorney; Kim Briesemeister, Executive Director; Chris Brown, Executive Director; Claudia McKenna, the CRA Attorney, and CRA's outside counsel, Jamie A. Cole and Daniel L. Abbott.

(Fiscal Impact: N/A)

Mark E. Berman, City Attorney announced he was requesting advice concerning litigation in relation to settlement matters and/or strategy sessions relating to the following matter: Pompano Beach Community Redevelopment Agency and City of Pompano Beach, Florida v. the State of Florida, et al. and Broward County, Florida; Broward Circuit Court Case No. 14-009654(18). Those in attendance will be members of the City Commission; Pompano Beach Community Redevelopment Agency Board members; Gregory P. Harrison, the City Manager; Mark E. Berman, the City Attorney; Kim Briesemeister, and Chris Brown, Co-Executive Directors; Claudia McKenna, the CRA Attorney, and CRA's outside counsel, Jamie A. Cole and Daniel L. Abbott. Therefore, he requested that the Commission recess to enter into a private meeting, in the City Commission Chamber Conference Room.

**INVOCATION**

Pastor Nathan Austin of the Mount Zion Missionary Baptist Church offered the invocation.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**17-394 Regular City Commission Meeting Minutes of April 11, 2017**

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried unanimously.**

**APPROVAL OF AGENDA**

Mayor Fisher stated that item 26 under Regular Agenda will be moved up to come after Consent Agenda. Therefore, the item will be heard as the first Regular Agenda Item.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Agenda be APPROVED AS AMENDED. The motion carried unanimously.**

**CONSENT AGENDA DISCUSSION**

The Commission pulled item 7 from the Consent Agenda for discussion. During Audience to be Heard, a person may speak on any item on the Consent Agenda, which has not been pulled.

**A. SPECIAL PRESENTATION****[17-386](#) South Florida Commuter Challenge 2017**

Jim Udvardy, Project Director for South Florida Commuter Services, a program of the Florida Department of Transportation, gave a brief presentation regarding the South Florida Commuter Challenge taking place in May.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**B. PROCLAMATIONS****[17-384](#) Earth Day**

A proclamation proclaiming Earth Day in Pompano Beach was presented to the City's Recycling and Solid Waste Advisory Committee by Mayor Lamar Fisher. Students from Crystal Lake Middle School and Pompano Beach High School were in attendance to showcase their successes. The City's Recycling Coordinator Beth Dubow provided a brief presentation pertaining to Earth Day and the Think Green Grant the City was recently awarded.

**The Proclamation was READ AND PRESENTED INTO THE RECORD.**

Building Safety Month

**[17-383](#) A proclamation proclaiming Building Safety Month was presented to the City's Chief Building Official Miguel Nunez by Mayor Lamar Fisher.**

**The Proclamation was READ AND PRESENTED INTO THE RECORD.**

**SPECIAL RECOGNITION**

Mayor Fisher on behalf of the City Commission recognized and congratulated Greg Harrison, City Manager, for being a finalist in the 2017 Life Well Run Community Hero Nomination Campaign. A letter was received from the International City County Management Association, based in Washington, DC, which Mayor Fisher read in its entirety:

*“Dear Greg,*

*I am happy to inform you that you have been selected as a finalist in the 2017 Life Well Run Community Hero Nomination Campaign. We hope you will display your final certificate prominently and proudly. You were nominated by this designation, speaks volumes about your work, your ethics, and service to your residents as a local government employee. You are a beacon of our community and a great example of how to create life well run, congratulations.*

*To highlight the importance of professional management is the key ingredient for excellence in local government. ICMA Life Well Run campaign features community heroes that highlight these ideals. You can also see more community leaders and learn about the ICMA Well Run initiative by visiting the website.*

*We look forward to watching your career blossom in local government. Thank you for being a community hero finalist.*

*Mark Gott, Executive Director, ICMA.”*

**C. AUDIENCE TO BE HEARD**

Mayor Fisher announced that it was time for “Audience To Be Heard” and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight’s agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker’s comments. All persons interested in speaking during “Audience To Be Heard” must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

**The following persons were called to speak:**

**Cost of Equipment in Community Park** – Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, complained of the City spending \$172,000 to fix where the kids play at Pompano Beach Park, south of the golf course. He stated a new swing set was installed and a tree removed. Notwithstanding, he indicated that the soccer field in the same park needs to be re-sodded, regraded and lines striped, yet the City is interested in purchasing the Elks property for youth fields. He suggested that the soccer field in the Community Park should be attended to first for refurbishing.

Robert McCaughan, Public Works Director, explained that the job was a competitively bid national contract. In addition, \$40,000 from the \$172,000 was received as a grant, which offset some of the cost. Furthermore, throughout all the City's 52 parks there are 47 playground modules that are on a continually replacement basis. The subject Park's equipment is old and needed to be replaced.

Mr. Skversky asked about the amounts spent on each swing set, which Mr. McCaughan responded it varies among parks from \$50,000 to \$100,000 for a complete playground package.

**Pompano Beach Cultural Arts Center Upcoming Programs** – Doug Wetzel, Managing Director, Outré Theater Company, 1541 NE 1st Avenue, Fort Lauderdale, FL, stated that he is part of the alliance at the City's Cultural Arts Center, and they are excited about the opening of the Pompano Beach Cultural Center. He provided highlights of their season. In July, they will be opening George Orwell's 1984, in November the musical "American Idiot," in February a play not performed on the east coast and only six times in the United States, written by a woman and called "Reservoir Dolls," and in April a show called "Hedwig and the Angry Inch."

Mr. Wetzel indicated that they have been around South Florida for five years, will be opening their 60th season at the Pompano Beach Cultural Center, and are happy to be a part of the alliance here in Pompano Beach.

**Pompano Beach Cultural Arts Center** – Skye Whitcomb, Creative Director, Outré Theater Company, 1541 NE 1st Avenue, Fort Lauderdale, FL, reiterated that they wanted to introduce their company and to thank the City Commission for the work they have put into making the City of Pompano Beach a cultural center for South Florida. He stated that Pompano Beach has become an arts center and was on its way up. In addition, he thanked Alyona Ushe, Michael Tipton and Jody Leshinsky, of Cultural Arts Creative who were instrumental in bringing them over from Broward Center to Pompano Beach.

**Complaint on Various City Issues** – Joe Ryan, 427 NE 24 Avenue, Pompano Beach, FL, complained about the first half an hour of the meetings being spent with different non-profit organizations with their accomplishments rather than dealing with government business. He expressed his concerns on various issues in the City. He stated that the City is one of the worst crime cities in Broward County with homelessness, robbery, drugs, and prostitution. In addition, code enforcement is out of control, and he learned from code enforcement that the industrial type trailers are allowed to park in residential areas. There is the fire department with lawsuits and the parking garage needs to be financed. Finally, he recommended that a firm should be brought in to look into the operations of the Fire Department.

**Mayor Prayer Breakfast Committee, Inc.** – Jerry Bowman/Sharon Stone Walker, Mayor Prayer Breakfast Committee, 717 NE 3rd Street, and 300 SE 2nd Street, Pompano Beach, FL, presented the Committee for the first Mayor's Prayer Breakfast of Pompano Beach. He indicated that the Mayor's Prayer Breakfast will be held at the Pompano Beach Cultural Center on May 18, 2017, at 7:00 a.m., and all are invited to participate. Sharon Stone Walker, President introduced the Committee members: Pastor Gary McLamore, Vice President, Deacon Jerry Bowman, Kimberly Carr Washington, Secretary/PR, Cherlyn Davis, Treasurer, Pastor George Rich, David Vendermost, Pastor Brad Jones, Apostle Constancia Daley and Sherene Thompson.

Pastor George Rich, Pastor of P3 Church 2180 NW 18<sup>th</sup> Avenue, Pompano Beach, FL, stated that the Prayer Breakfast is about unity, prayer, fellowship, community and inspiration. Therefore, he invited everyone to come out and fellowship on May 18, 2017 at 7:00 p.m. The guest speaker will be former NFL player, John Offerdhal.

**Defense of Robin Bird, Development Services Director for Zoning Code** – M. Ross Shulmister, Esq. 560 SE 12th Street, Pompano Beach, FL, indicated that last meeting several speakers spent quite some time accusing Robin Bird, Development Services Director of lying. Since the meeting lasted so long, no one spoke in defense of Mr. Bird, which he now desires to do. He indicated that the accusations were untrue, and unwarranted. He then outlined in detailed the circumstances under which the law was challenged by certain individuals resulting in accusing Mr. Bird of lying and misleading the City Commission. He commended the Mayor and the Commissioners for their patience in the face of unjustified indignity.

**Trash Cleanup Participation** – LeRhonda Henley/Rashad Lewis, President and Vice President, Justice League, 601 NW 20th Street, Pompano Beach, FL, thanked the Mayor and the Commissioners, BSO, Fire Chiefs, RMA/CRA, City Manager Harrison, City of Pompano Beach, students from Pompano High and everyone that came out for the cleanup of the neighborhood last Saturday. She reported that over 100 people participated in the cleanup. She understands that there are different initiatives to keep Pompano Beach clean and wanted to inform that they are also engaged in an ongoing cleanup of the City and would like to continue doing this once every month, the third Saturday of the month.

Mayor Fisher thanked Ms. Henley for her initiative and efforts. He indicated that Comr. Hardin, Comr. Perkins, himself and Chief Jurgle, Fire Department was helpful. He indicated that a lot of trash was picked up and now there is a need to educate the people not to throw garbage out the window or drop trash as they walk along the roadways.

Comr. Moss invited the team to attend the Rebuilding Event that will take place next Saturday, in Collier City, which Ms. Henley and Mr. Lewis indicated that they plan to attend.

Comr. Perkins indicated that the cleanup on last Saturday was successful and that there were over 150 people participated. Therefore, she expressed appreciation to the Justice League for everything they are doing and promised to attend every third Saturday of the month to assist with the cleanup event. She also agrees with Mayor Fisher that everyone need to be mindful of throwing things down in the community.

Ms. Henley encouraged everyone to keep a look out for different things that the League will be engaged in over the next few months. In August, they will start a kid's breakfast program, called the "Bus Stop," where they will be going to different bus stops in the community to pass out breakfast to the kids to ensure the kids get to school safe. Therefore, they are not only focusing on cleanup but other community activities as well.

#### **D. CONSENT AGENDA**

1. [17-366](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING BROWARD COUNTY'S BROWARD CITIES LITERACY PARTNERSHIP TO BOOST LITERACY THROUGH READING; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)  
(Staff Contact: Gregory Harrison)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2017-224**

2. [17-363](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND XPRESS YOUTH DEVELOPMENT INSTITUTE, INC., TO PROVIDE SERVICES TO THE YOUTH OF POMPANO BEACH THROUGH MENTORING AND TRACK AND FIELD SERVICES AT CERTAIN TRACK FACILITIES WITHIN THE CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Breaudreau)

*Strategic Plan Initiative*

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2017-225**

3. [17-370](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2017 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2017-226**

4. [17-371](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2017 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2017-227**

5. [17-372](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2017 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2017-228**

6. [17-382](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH SUPPORTING FLORIDA DEPARTMENT OF TRANSPORTATION'S 2017-2019 MOBILITY PROJECTS PLAN FOR THE CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2017-229**



7. [17-395](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION IN AN AMOUNT UP TO \$200,000.00 TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR THE 2017 LAND AND WATER CONSERVATION FUND GRANT FOR THE PURPOSE OF OBTAINING FUNDS TO ASSIST WITH THE APPROVED PROJECT FOR REPLACING OBSOLETE LIGHTING EQUIPMENT AT VARIOUS SPORTS FIELDS THROUGHOUT THE CITY; CONFIRMING THE CITY'S CONTRIBUTION IN AN AMOUNT UP TO \$200,000.00; AND IF AWARDED, AUTHORIZING THE CITY MANAGER TO ACCEPT THE FUNDS AND EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$200,000.00)  
**(Staff Contact: Horacio Danovich/Karen Santen)**

Mayor Fisher noted that on the legislative text it states "Kessler Park" which should state "Kester Park."

Comr. Perkins pulled the item because the backup indicated the CIP project include improvements to the Pompano Beach Parks, which "might include...." Therefore, she had concerns with the word "might" as it lists Kester, Community, McNair, Founders, and North Pompano Parks, but there is no itemized list in the backup as to the action to take place at each park.

Horacio Danovich, CIP Manager, explained that the grant is geared to one park, Kester Park, and will be used as a pilot program so that the City can test the equipment and lights that can be brought in with the grant. If it provides the service expected from the product and the grant then it would be emulated in the other parks listed. The lights will be replaced with LED lighting, which will save on energy. The proceeds from the grant will be used exclusively on Kester Park, which the grant allows only one park at a time.

In response to Comr. Perkins' question, Mr. Danovich explained that the language stating that the other listed parks "might," will be amended on the application to indicate only one park, which is the Kester Park.

Comr. Perkins asked how the \$200,000 would be spent on one Park.

Mr. Danovich explained it would replace the baseball fields, all lighting, playground equipment to be replaced, volleyball court, parking and restroom lighting. In addition, he stated they reviewed the parks and Kester Park qualified, which had the ability to be used for the equipment. More particularly, they had old lighting on the baseball field, consequently it was chosen. It was one of the better places to get the program started.

M. Ross Shulmister, 560 SE 12<sup>th</sup> Street, Pompano Beach, FL asked if the lighting would be upgraded to LED, because this would be a huge savings in electricity. Mr. Danovich replied yes.

Comr. Hardin asked if the grant funds were not received, would the improvements be something to be done over the normal course of event.

Mr. Danovich replied yes. He stated that it is part of the maintenance and upkeep, which will be done in the other parks as well.

Comr. Sobel indicated that in the application it states on Page 8, Line F, \$4 million instead of \$400,000, so perhaps that would need to be corrected. Mr. Danovich indicated that he would get the application rechecked to ensure all items are correctly stated.

Comr. Perkins requested staff provide her with a copy of the completed Application.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Sobel

Burrie

Fisher

**No:** Perkins

**Enactment No: RES. No. 2017-230**

8. [17-389](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING SHARON STONE-WALKER TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR CHARLOTTE BURRIE, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

***Strategic Plan Initiative***

**A motion was made by Commissioner Hardin to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2017-231**

**E. REGULAR AGENDA****QUASI-JUDICIAL PROCEEDING**

*Mark E. Berman, City Attorney, advised that items 9 through 12 are listed under Quasi-Judicial Proceeding and is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and then Commission's discussion.*

*Asceletha Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in the following matters.*

9. [17-367](#) P.H. 2017-48: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMPAÑO BEACH, FLORIDA, ABANDONING A TEN FOOT UTILITY EASEMENT LOCATED SOUTH OF WEST COPANS ROAD AND WEST OF NORTH POWERLINE ROAD NEAR THE WESTERN TERMINUS OF NW 22ND STREET AND COMMONLY KNOWN AS 1951 N. POWERLINE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robin Bird)

Robin Bird, Development Services Director, presented the item, which is a request for abandonment of a ten foot wide and 252-foot long utility easement located at 1951 North Powerline Road. Waste Management is selling the property to a developer to build a "Class A" industrial-office warehouse and logistic center. At the March 22, 2017 Planning and Zoning Hearing the item was heard and approved with one condition to be met prior to placing the item on the City Commission agenda. The condition has been met and there is a recommendation of approval.

Catherine Donn, Applicant, 3563 NW 53<sup>rd</sup> Street, Fort Lauderdale, FL, stated she is available to answer any questions.

FIRST READING: APRIL 25, 2017

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

10. [17-385](#) P.H. 2017-51: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMPAÑO BEACH, FLORIDA, ABANDONING A CERTAIN FIFTY-FIVE FOOT WIDE PORTION OF THE RIGHT-OF-WAY FOR RIVERSIDE DRIVE LYING SOUTH OF ATLANTIC BLVD, EAST OF THE INTRACOASTAL AND NORTH OF SE 2 STREET; PROVIDING FOR AN ALLEY AND SIDEWALK DEDICATION TO THE CITY OF A PORTION OF THE PROPERTY LOCATED AT 105 HIBICUS AVE; PROVIDING FOR THE APPROVAL OF A UTILITY AGREEMENT WITH TSATAS ACQUISITIONS, LLC OUTLINING THE MAINTENANCE AND OWNERSHIP OBLIGATIONS OF THE EXISTING UTILITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact: Robin Bird)**

Robin Bird, Development Services Director, presented the item, which is a request to abandon a portion of South Riverside Drive; however, the public will be able to use the abandoned right-of-way to travel southbound from Atlantic Boulevard. The applicant is offering dedication of an alleyway so that both northbound and southbound traffic will be able to commute to and from Atlantic Boulevard through Hibiscus Avenue. The purpose of the abandonment is to facilitate development of two new two-story restaurants on the intercostal and one story retail building with a parking lot. There will be an access easement for the abandoned area and sidewalks for a one way in off Atlantic Boulevard for the public access to South Riverside Drive. Temporary construction easement for all public areas will have a utility agreement, which identifies various responsibilities for the water main, force main, gravity main and indemnification of the City for all revenue losses and for injury to life or property. The Planning and Zoning Board approved the major site plan on May 25, 2016, with the abandonment to meet conditions prior to building permit submittal.

Additionally, the site plan demonstrates that the proposed portion of Riverside Drive to be abandoned will remain accessible to the public including those accessing property located along south Riverside Drive. The Planning and Zoning Board heard the request at their meeting on March 23, 2016 and unanimously recommended for approval with eight conditions.

Mr. Bird indicated that Conditions 1 and 2, the regarded agreements and comments required to be submitted prior to Commission placement have been met. In Section 3 of the ordinance it states, "Development Services Department must approve final inspection of the traffic circle and alley construction prior to the abandonment taking place. Although it is effective upon passage, the abandonment will not be effective until the public purpose is still being served and the residents can leave the neighborhood at the same direction that they have been."

Christina Bilenki of Dunay, Miskel & Backman, 14 SE 4<sup>th</sup> Street, Boca Raton, FL, stated she is representing the property owner and applicant. She said the City staff and Attorney has worked tirelessly over the last four years on the various applications that accompany the project, which they appreciate.

Mayor Fisher thanked everyone who contributed to getting the project to this point, and that the City looks forward to moving forward with the project.

Comr. Hardin asked why the reference to dedicating an alleyway rather than a street.

Mr. Bird explained that the street would use up the parking to the south and it is really a service alley. You cannot back out on the street for commercial purposes as it is only a 20-foot wide swat adequate for a fire ingress and egress as well as travel lane is south.

FIRST READING: APRIL 25, 2017

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

11. [17-299](#) P.H. 2017-39: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PARCEL OF PROPERTY LOCATED BOTH SOUTH OF MCNAB ROAD AND WEST OF FEDERAL HIGHWAY (US 1) AND COMMONLY KNOWN AS 950 EAST MCNAB ROAD FROM B-3 (GENERAL BUSINESS) TO PCD (PLANNED COMMERCIAL/INDUSTRIAL); PROVIDING FOR CONFORMANCE TO AN APPROVED PLANNED DEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Robin Bird)

Robin Bird, Development Services Director, presented the item, which is a Planned Commercial development on a property that is 1.71 net acres. Originally, it was denied by the Planning and Zoning Board but supported by City staff. The City Commission passed the ordinance on first reading. Most of the comments from the Planning and Zoning Board have been met except for a few, which will be developed at site plan approval. It will be for the use of a self-storage and retail complex.

Steve Wherry, GreenspoonMarder, 200 East Broward Boulevard, Fort Lauderdale, FL, is representing the owner and applicant and to answer any questions. He indicated they made a record at the first reading and requested the Commission to continue to consider that submittal.

Mark E. Berman, City Attorney advised in abundance of caution any ex-parte communication should be declared.

Mayor Fisher along with Vice Mayor Burrie, Comrs. Moss, Hardin, Perkins and Sobel indicated that they had ex-parte communications with the applicant to discuss in detail the project concerning landscaping, parking, height of the building, etc.

FIRST READING: APRIL 11, 2017

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2017-35**

12. [17-375](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE HASTINGS TRUST PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact: Robin Bird)**

Robin Bird, Development Services Director, presented the item, which he stated is a companion item to the previous rezoning request, as item 11. Keith and Associates on behalf of the property owner, McNab Grove Inc. has requested amendment of the plat to decrease the square footage of commercial use by 10,000 of the 150,000 square feet of self-storage use. The property is located at 950 East McNab Road. The existing note limits the plat to 25,000 square feet of commercial use. No freestanding banks and or bank drive through's permitted without the approval of the Board of County Commissioners who shall review and address the uses for increased impacts. The proposed note states the plat is restricted to 15,000 square feet of commercial use on 150,000 square feet of self-storage uses. free standing banks and or banks with drive through facilities are not permitted within the plat without the approval of the Board of County Commissioners who shall review and address the uses for increased impacts. A letter of no objection was submitted in the backup, but there was a typo. Therefore, a correction to the Letter of No Objection was made since submission for the backup, which was distributed to the Commission prior to the meeting. Staff has approved the no objection letter request.

Steve Wherry, GreenspoonMarder, 200 East Broward Boulevard, Fort Lauderdale, FL, on behalf of the property owner requested if there were any ex-parte communications to declare. However, since this was a plat matter no ex-parte communications were entered into regarding the item.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2017-232**

**END OF QUASI-JUDICIAL PROCEEDING**

13. [17-300](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A UNIFIED CONTROL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MCNAB GROVE INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Robin Bird)

Robin Bird, Development Services Director, presented the item, which he stated is another companion item to item 11 and a requirement for the rezoning that a unified control document be agreed upon.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Burrie

Fisher

**No:** Perkins

Sobel

**Enactment No: RES. No. 2017-233**

14. [17-316](#) A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN LAURENCE D. LOCKER AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT 1499 SW 36TH AVENUE; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$303,000.00)  
**(Staff Contact: John Jurgle)**

John Jurgle, Chief, Fire Department, presented the item, which will allow the City to enter into a purchase contract with Laurence D. Locker for the property located at 1499 Southwest 36<sup>th</sup> Avenue, Pompano Beach, FL. After several years of trying to acquire land large enough to build a fire station needed for the area, the subject property has now become available and staff respectfully recommends moving forward with purchase of the land.

Comr. Moss explained the emergency need for this facility in the area. He noted that there is only one fire station west of the I-95, which is 50% of the City's land mass. The station is needed not only for the existing population but for the Isle Casino, where every year approximately 1,750,000 people visit.

Comr. Sobel disclosed that he spoke with Chief Jurgle briefly regarding the appraisal and the actual purchase price. He then inquired about the potential problem regarding the length of the fire trucks and the easement to enable coming out of the area.

Mr. Jurgle responded that it will work. The fire trucks would come out on 36<sup>th</sup> Avenue and they would work to situate the fire station on the property.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Resolution be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-234**



15. [17-330](#) P.H. 2017-40: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 76, "PARKING METERS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 76.02, "DEFINITIONS," TO PROVIDE ADDITIONAL REQUIRED DEFINITIONS; BY AMENDING SECTION 76.05, "AUTHORITY TO ESTABLISH PARKING METER ZONES," TO REASSIGN AUTHORITY TO THE CITY MANAGER OR HIS DESIGNEE TO DETERMINE TYPES OF PARKING METERS UTILIZED BY THE CITY; BY AMENDING SECTION 76.06, "PARKING METER ZONES AND FEES ESTABLISHED," TO MODIFY DESIGNATED PARKING METER ZONES AND METER FEES AND RESTRICTIONS, AND TO MODIFY HOURS OF OPERATION OF PARKING METERS, AND TO MODIFY COSTS AND OTHER REQUIREMENTS FOR PARKING PERMITS; BY AMENDING SECTION 76.07, "TIME LIMITED PARKING ZONES," TO MODIFY REQUIREMENTS AND RULES AND ESTABLISH HURRICANE PARKING AND BULK PARKING PROCEDURES AND RATES, AND TO PROVIDE FOR PARKING FEE EXEMPTIONS AND MODIFY REQUIREMENTS FOR MOTORCYCLE PARKING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 11, 2017

**(Staff Contact:** Chris Brown/Suzette Sibble)

Suzette Sibble, Assistant City Manager, presented the item and stated that they are proposing a number of amendments to the City's parking code. A short PowerPoint presentation was prepared to highlight some of the key proposed amendment. Please see Attachment 1 for the presentation.

Tom Terwilliger, 3160 NW 1<sup>st</sup> Avenue, Pompano Beach, FL, complained about the affordability of the parking rates to the local citizens. He mentioned that part of the plan was to keep the rates affordable at \$1.25 per hour or as close to that rate as possible. However, the proposed rates are much higher for the better spots and the residents, who own the beach will end up getting a not so great spot from the beach to park. Therefore, he disagrees with setting up a rate system that would cater more for those people who can afford to pay for a great spot.

Comr. Sobel asked who would pay for the proposed Manager for the garage.

Ms. Sibble responded that the cost for the manager would come from the parking enterprise fund. In fact, everything would come from the parking enterprise fund relating to the parking system. She confirmed that the Denison Parking Management is also paid from the parking enterprise fund.

Comr. Sobel asked for an explanation on the meter zones as it relates to location, costs and the amount of meters. Ms. Sibble indicated that the parking enterprise fund will pay for the meters and Chris Brown, RMA/CRA would elaborate more on the zones for the meters.

Chris Brown, RMA, Pompano Beach, FL, stated that he provides consulting services to the City on parking matters. He mentioned that they would not be purchasing any more meters as the current meters pay stations are electronic, as well as people use pay by phone. There are a few “lollipops” left, which will be changed out to have pay by phone. In sum, no more pay stations will be bought at this time. One more pay station will be set up in the garage to alleviate the crowd backup.

Comr. Sobel inquired about the increased parking fees and the distribution of funds to the General Fund, which Ms. Sibble explained in detail how the breakout of the parking funds would operate as it relates to the financing, operations, and capital needs.

In response to several of Comr. Sobel’s questions, Ms. Sibble indicated that in terms of the financing plans scheduled they are on target with the three components, which she explained in detail. Notwithstanding, she agreed that the process is complicated but explained in detail to Comr. Sobel that there are controls in place to control the City’s indebtedness. Following, was a very extensive debate between Comr. Sobel and Ms. Sibble on the various financing components of the entire project to include the Fishing Village. In sum, Ms. Sibble indicated that staff, the consultants and the developers are all working together to keep managing the financing and to stay on top of the milestones.

Mayor Fisher indicated that he wanted to go through some points and that staff state facts as it relates to the garage. The garage was built, and is up and running. The finance mechanism that was in question, he explained that when something is being built you would need to finance it unless there is cash in the bank to pay for it, similar to purchasing a house. There was a question on the interest that the City was paying on the note, which resulted in an amount of approximately \$20 million, which is what is normally done when you have a note/mortgage on a property.

Additionally, Mayor Fisher indicated that there were comments made regarding revenue bonds being taken to the voters, and asked if this have to be done.

Ms. Sibble responded not with a parking revenue bond, and it depends on the type of revenue.

Mayor Fisher continued by stating tax dollars are not paying for the facility, which Ms. Sibble responded that is correct.

Mayor Fisher asked if there is any proof of any deficiencies that would happen with this process, which Ms. Sibble responded that she is not aware of any.

Mayor Fisher indicated that when the City undertook the projects, multiple experts were involved, multiple projections were made or else the City would not have received the dollars to build the garage. Ms. Sibble confirmed that is correct.

Mayor Fisher indicated that if the current rates projected were taken over the period of the note if the \$47 million is the total debt, then there would be \$76 million in revenues. Ms. Sibble responded that is the projections and confirmed that it would be approximately \$29 million increase over the debt service. Also, Ms. Sibble mentioned that there is an additional revenue of \$200 million over a 50 year period, and the financing period over a 25 year would be \$120 million.

Mayor Fisher asked if the City went to issuing a General Obligation (GO) Bond as a scenario, and the voter approved it, that would actually become taxpayers’ dollars, which Ms. Sibble responded that is correct.

Mayor Fisher asked about the cost of the issuance for the garage.

Ms. Sibble responded that for everything it was approximately \$330,000 to cover bond counsel fees, financial advisory fees, rating agencies fees, and underwriter fees. Therefore, with all the components considered, that is surpluses, current revenues and capitalized interests; the City is on target with the projections.

Comr. Hardin inquired if the worst-case scenario is considered and the Pier is not completed on time, would it affect the City's ability to pay the bonds for the parking garage.

Ms. Sibble replied no and provided detail reasons for her answer.

Comr. Perkins indicated that there is language in the backup stating, "Authority to establish" and is concerned with staff coming back to the Commission to provide updates or any changes that might be made in the process of the meters. Therefore, she asked if staff would return to update the Commission of any changes.

Mr. Brown indicated that it would be good if staff return periodically to update the Commission. Therefore, he suggested that perhaps on a quarterly basis they could provide the commission with an update report on the pier, garage, and parking.

Comr. Perkins explained that when staff is given authority to establish something, there is a tendency not to provide the Commission with an update of what is being accomplished.

Ms. Sibble indicated that they could discuss and get back to the Commission on a timely update.

Comr. Sobel indicated that he is trying to illicit facts and sometimes the facts are either negative or positive. He stated that he wants to work with everybody to ensure that there is the best possible results for the residents of the City of Pompano Beach. In sum, Comr. Sobel indicated that he is trying to communicate the critical importance of making sure the construction projects move ahead without unnecessary delay.

An extensive discussion followed among the Commission and Ms. Sibble regarding the pros and cons of the financing modules being utilized for these projects and the impacts and benefits expected.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: ORD. No. 2017-36**

16. [17-345](#) P.H. 2017-46: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBLEASE RECOGNITION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT FOR PARCEL R1 BETWEEN THE CITY OF POMPANO BEACH AND PPA-R1, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Adriane Esteban)

FIRST READING: APRIL 11, 2017

Adriane Esteban, CRA Project Manager, presented the item, which is the second reading for a sublease recognition agreement for Parcel R1 on the Pier development site. She stated that in the second amendment to the development agreement, the City agreed that it would approve a sublease recognition agreement providing certain criteria were met. Outside counsel has reviewed the agreement and have determined that the criteria have been met.

Additionally, Ms. Esteban recognized Tim Hernandez with Pompano Pier Associates, who was attending the meeting.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: ORD. No. 2017-37**

17. [17-322](#) P.H. 2017-42: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE CONSTRUCTION MANAGER-AT-RISK CONTRACT TO APPROVE THE GUARANTEED MAXIMUM PRICE (GMP) AND PROJECT CONSTRUCTION SCHEDULE BETWEEN THE CITY OF POMPANO BEACH AND THE WHITING

-TURNER CONTRACTING COMPANY FOR SERVICES RELATING TO THE CONSTRUCTION OF THE CITY OF POMPAÑO BEACH FISHING PIER PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$11,548,859.00)

(**Staff Contact:** Horacio Danovich)

FIRST READING: APRIL 11, 2017

Horacio Danovich, CIP Manager, presented the item, which is a request to award a contract to Whiting-Turner Contracting Company and a team on a Guarantee Maximum Price (GMP) of \$11,548,859. Mr. Danovich indicated that since the first reading on April 11, 2017, there have been a few developments for the Commission's attention. First, he is pleased to announce the building permit is ready, and expressed his gratitude to the team from the building department to include staff and the building official who worked tirelessly to make this happen.

Second, Mr. Danovich clarified the maintenance of the traffic plan and explained in detail how the delivery trucks would travel from I-95. They would head east on Atlantic Boulevard to the beach, make a right turn heading north on A1A. At the turn at NE 5<sup>th</sup> Street and Pompano Beach Boulevard and A1A together, the truck will turn and head south pull in front of the area between NE 3<sup>rd</sup> and NE 2<sup>nd</sup> Streets and head back out on NE 2nd Street to the west. He mentioned that they would be closing Pompano Beach

Boulevard between NE 2<sup>nd</sup> Street and NE 3<sup>rd</sup> Street, which will be opened to allow vehicles to travel north-south, this will be until November at which time Tim Hernandez team will open for business on the Beach House. Thereafter, there will not be a permanent closure of that roadway. Closure will only take place on an as needed basis.

Tom Terwilliger, 3160 NW 1<sup>st</sup> Avenue, Pompano Beach, FL, urged the Commission not to vote for the ordinance and provided his reasons. He requested that the Commission consider open unrestricted bidding, which has not been done to allow all contractors to come in with a contract, if qualified, that could potentially save taxpayers approximately \$3 million.

Comr. Hardin asked if Shoreline Foundation submitted a RFP as a general contractor.

Mr. Danovich replied no.

Mr. Danovich explained that the Construction Manager at Risk is a competitive process, which is managed by another agency instead of the City's own purchasing department.

Comr. Sobel indicated that he has been contacted by a number of the condominiums about the closure of the roads. Therefore, he suggested that a number of notices could be sent as to when the shut downs would occur and when Pompano Beach Boulevard would be closed, so that the utmost courtesy is given to maintaining the quality of life for those residents while this is taking place.

Mr. Danovich confirmed that he would take care of the matter.

Comr. Sobel does not understand the issue with Shoreline Foundation, which is a moot issue. This was a business judgement. Other efforts by the City is underway to compensate for the material inducement that was not factually true. In addition, Comr. Sobel asked if the \$747,230 is for Wantman and if this is part of the price with Whiting-Turner, the GMP of \$11.5 million or is it additional.

Mr. Danovich replied that it is additional. Therefore, the actual figure is \$11.5 million for Whiting-Turner and the GMP with \$500,000 contingency and another \$750,000 for Wantman with \$56,000 in contingency.

Comr. Sobel asked who would be in charge of the project, whether it is Whiting-Turner, the General Contractor, Wantman, Mr. Danovich, or Murray Logan.

Mr. Danovich responded he would be in charge of the project unless he is removed. He will be supervising all the activities of each consultant and contractors. He explained that Whiting-Turner is hired to oversee the entire construction process and Wantman is hired to inspect the construction process.

Comr. Sobel asked if Mr. Danovich could provide a monthly report to the Commission as to the status of everything. Mr. Danovich responded it is on his plan to do.

Comr. Sobel questioned where the money would be coming from to fund the contract with Whiting-Turner and the pier construction and why is time so important.

Mr. Danovich explained that the initial \$3 million is because they have to order specific pre-cast materials and that is one of the largest expenses on the front-end. In sum, construction has been delayed due to setbacks with acquiring the various permits to move forward. The plan is to get certain construction going and out of the way for Beach House to get in place for a Thanksgiving opening. The eastern part of the pier is already off limits, so reconstruction is desired as soon as possible.

Comr. Sobel indicated that he is not comfortable that the City has to utilize the storm funds now to get this project underway as time is of the essence. There are calculated risks because FEMA will not pay 100% of the bill and frequently they ask for money back when they conduct an audit on any storm payments. Therefore, it is critical that this project gets going without a hitch.

Mayor Fisher clarified comments Comr. Sobel made earlier and referring to them as facts, which in reality was his opinion, therefore, it was not factual. He explained to state that the contract done in July 2016 was die cast is not a fact but rather an opinion because a process was followed. Furthermore, the people who will be building the pier have built three piers, Dania Beach, Lakeworth and Juno Beach, which was told to the Commission two weeks ago.

Mayor Fisher asked, when it comes to a financing mechanism, and should a disaster take place, what options the City has to gain revenues before FEMA, for some reason or other, does not reimburse the City at that particular time. Also, what other venues are there.

Ms. Sibble explained that generally it is a reimbursement process. FEMA has a process where the City could get advance funded, which take approximately 90 days for it. The other funds that the City has reserve capacity in are the building funds, the water and sewer fund as well as elect to borrow fund from the City's primary bank. In sum, the City has multiple funds that could be utilized as it awaits reimbursement from FEMA should an emergency occur. There are other options in other funds, but the last resort would be to look towards a loan with the City's banking partners.

Mayor Fisher inquired if the GO Bond does not get pass what other financial mechanism is the City considering to reimburse the funds expended for the pier.

Ms. Sibble responded that they would be considering utilizing Certificates of Participation, which is a bit complicated and explained the process.

Comr. Hardin indicated that it is the responsibility of the City Manager to update the City Commission and not Mr. Danovich.

An extensive discussion followed among the Commission on the financing mechanism and the options of funding sources with Ms. Sibble and Mr. Danovich providing detailed information on how certain processes work.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Sobel

Burrie

Fisher

**No:** Perkins

**Enactment No: ORD. No. 2017-38**

18. [17-323](#) P.H. 2017-43: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND WANTMAN GROUP, INC. FOR ENGINEERING SERVICES FOR THE FISHING PIER REPLACEMENT PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$747,230.00)

(**Staff Contact:** Horacio Danovich)

FIRST READING: APRIL 11, 2017

Horacio Danovich, CIP Manager, presented the item, which he stated is seeking the Commission's approval to retain Wantman Group, Inc. to provide services related to the fishing pier including inspection and special residents' meeting, pile driving, casting and so forth.

Mayor Fisher asked about the seven criteria mentioned in the backup package that the Wantman Group would provide which he read them as follows:

- 1) Assist the City with contract administration (review pay applications, attend monthly meetings with contractors, respond to Requests for Information (RFIs), review shop drawings, etc.).
- 2) Conduct periodic inspections as required by the Florida Building Code and in compliance with other government agencies' permit requirements.
- 3) Design and inspect the Bait and Tackle Shop.
- 4) Evaluate plan modifications that could affect the Guaranteed Maximum Price (GMP) contract with the contractor.
- 5) Attend progress meetings with Staff and help prepare periodic reports to City Commission.
- 6) Conduct final inspections, review punch list items, and project closure.
- 7) Prepare final certification to all applicable government agencies.

Comr. Hardin indicated that in the backup there is a Memo 17-72, Use of General Fund Disaster Recovery Reserves, which outlines a lot of what was discussed earlier on as it relates to the use of funds and where the funds would come from.



**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Sobel

Burrie

Fisher

**No:** Perkins

**Enactment No: ORD. No. 2017-39**

19. [17-230](#) P.H. 2017-33: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SONATA KAZIMIERAITIENE FOR THE PUBLIC ART PROJECT KNOWN AS MOSAICS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$100,000.00)

**(Staff Contact:** Laurie Atria)

(TABLED: February 28, 2017 and March 14, 2017)

FIRST READING: APRIL 11, 2017

***Strategic Plan Initiative***

Laura Atria, Public Art Program Manager, presented the item, which is an agreement between the City of Pompano Beach and Sonata Kazimieraitiene for a two-year project that has the potential to go to four years. During the first two years, four separate mosaic mural projects will take place. There will be multiple mosaics and murals in each of the projects. In addition, five apprentices will be selected to work under her and she will be teaching them; therefore, it is an educational project, as well as beautification.

In response to Comr. Perkins' question Ms. Atria responded that the amount of \$100,000 would be taken from the public art program.

Comr. Perkins indicated that she has concerns regarding the spending of these funds, and explained her reasons. In sum, she felt the funds could be put to better use than what it is currently proposed to do.

Comr. Hardin stated that the public art committee, which Ms. Atria responded that is correct, recommended this for approval. He then asked how the budget was developed.

Ms. Artia responded that a ten-year public art master plan was created for all the artwork and money was allocated then into each project.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Sobel

Burrie

Fisher

**No:** Perkins

**Enactment No: ORD. No. 2017-40**

20. [17-340](#) P.H. 2017-41: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND DUDE SOLUTIONS, INC. D/B/A FACILITYDUDE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$17,990.00)

(Staff Contact: Robert McCaughan)

FIRST READING: APRIL 11, 2017

Robert McCaughan, Public Works Director, presented the item, which is a second reading requesting the City Commission to approve a contract between the City of Pompano Beach and Dude Solutions. This is for the use of cloud base software to implement work order management system. This is used to account for all the labor, materials and equipment that is invested in the City facilities. The annual cost is \$17,990.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: ORD. No. 2017-41**

21. [17-328](#) P.H. 2017-44: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO PROHIBIT MEDICAL MARIJUANA ESTABLISHMENTS; BY AMENDING ARTICLE 4, "USE STANDARDS," BY CREATING PART 7, "MEDICAL MARIJUANA ESTABLISHMENTS," TO SET FORTH THE PURPOSE AND ESTABLISH USE STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA ESTABLISHMENTS; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO PROVIDE FOR MEDICAL MARIJUANA ESTABLISHMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY CREATING DEFINITIONS RELATED TO MEDICAL MARIJUANA ESTABLISHMENTS; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE SAID TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE TO REFLECT AUTHORIZED ZONING DISTRICTS WITHIN THE CITY FOR VARIOUS MEDICAL MARIJUANA USES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)  
(**Staff Contact:** Robin Bird)

FIRST READING: APRIL 11, 2017

Robin Bird, Development Services Director, presented the item, which he indicated Option A was the option discussed and decided on by the Commission at the first reading. The scrivener's error has been corrected in Option A, which is the reference to a "one mile separation."

Additionally, Mr. Bird provided a brief historical background on the City's adoption of a temporary moratorium on the medical cannabis, as well as staff's action to research and to study the impacts. The resulting text amendment was presented to the Planning and Zoning Board on February 22, 2017 and March 22, 2017 hearings. Based on the results of staff's comprehensive study, as well as the recommendations rendered by the Planning & Zoning Board the two ordinances were presented to the Commission and Option A was chosen.

Tom Terwilliger, 3160 NW 1<sup>st</sup> Avenue, Pompano Beach, FL, asked if the City has the ability to limit the distance between the sober homes and the medical marijuana facilities.

Mr. Bird responded that being residential there would be a distance requirement.

Comr. Perkins requested staff read Option A, which states, "Option A includes all of staff's recommended requirements including the prohibition of medical marijuana retail establishments in the Northwest CRA and the requirements for medical marijuana retail establishments to be located on arterial roadways. Option B reflects the Planning and Zoning Board's recommendations therefore; it does not include the prohibition of retail establishments in the Northwest CRA nor the requirement for retail establishments to be located on arterial roadways. Staff analysis for prevention locations of medical marijuana retail establishments on Option A, are included in the backup." In other words, it is clear that in Option A they will not have this establishment in the Northwest CRA.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2017-42**

22. [17-329](#) P.H. 2017-45: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE IMPOSITION OF A MORATORIUM ON THE PROCESSING OF APPLICATIONS AND ON THE ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS FOR THE CONVERSION OF MULTI-FAMILY APARTMENT BUILDINGS WITH FIVE (5) OR MORE UNITS, TO SHORT-TERM RENTALS; PROVIDING FOR VESTED RIGHTS, APPEALS, AND EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING FOR A NINE (9) MONTH TERM TO BE EXTENDED IF NECESSARY BY THE CITY COMMISSION; PROVIDING FOR EARLY TERMINATION; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Robin Bird)

Robin Bird, Development Services Director, presented the item and indicated that this is the result of discussions and direction by the City Commission to have a moratorium for conversion of apartment buildings of five or more units to short-term rentals.

Comr. Sobel asked if a corresponding ordinance was to come before the Commission with regard to permitting, inspections and so forth.

Mr. Bird indicated that the ordinance is at the Planning and Zoning Board level prior to appearing before the Commission.

FIRST READING: APRIL 11, 2017

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2017-43**

23. [17-380](#) P.H. 2017-49: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT FOR POLICE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE SHERIFF OF BROWARD COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Mark E. Berman/Gregory Harrison)

Mark E. Berman, City Attorney, presented the item, which is an ordinance that formalizes an agreement and allows the Sheriff's Office to refurbish the indoor gun range at the police services center, at their complete expense. It would allow Broward Sheriff's Law Enforcement and Detention personnel would also have access to the range in accordance with BSO policies. The terms and conditions, and the financing provisions are in there. There is no cost to the City unless the contract is terminated prior to that being fully paid off, which will be negotiable upon termination of the BSO contract. There will be no upfront expense to the City. The need for the gun range is high and it serves a very valid and necessary law enforcement purpose.

Sarahca Peterson, 305 SW 1<sup>st</sup> Court, Pompano Beach, FL, questioned the City doing an amendment with BSO at this point, when the issue of them doing better has not been addressed, such as community policing. She indicated that she is aware of the necessity of policing, but the City could step it up and through the Commission leadership offer up some ways that BSO should improve the way they police the communities. She recounted an incident where she saw police officers with masks on, and reminded everyone of the incident that took place a few weeks ago when a young man, Gregory Frazier, was fatally shot by police officers in Pompano Beach. In sum, Ms. Peterson would like the BSO officers to get into the community to meet the people and get to know them so that Mr. Frazier's incident will not occur in the community. Perhaps there should be some amendments on how they could better police the street.

Comr. Moss asked if the subject location has sat empty and unused for years.

John Hale, Police Chief, Broward Sheriff's Office, stated that the indoor firing range at the public safety building has been inoperable for several years due to lead contamination. Currently, Pompano Beach officers have to travel to Markham Park range, which is located at the SW portion of the County. Therefore, a remediation of the facility will allow the personnel to remain in the City for valuable training. The full cost will be borne by the Sheriff's Office from the forfeiture fund.

Comr. Sobel indicated that in the contract it states that the City is responsible for paying for it, so perhaps that may need to be corrected.

Mr. Berman explained that BSO would be taking care of the installation costs and the cost to install the HVAC. The City will be maintaining it once it is in the City building as part of the building. Both Mayor Fisher and Chief Hale confirmed that Mr. Berman is correct and that the City maintains its own building to include the HVAC.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

24. [17-391](#) P.H. 2017-50: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SOUTH FLORIDA FISHING CLASSIC, INC. FOR THE USE OF ALSDORF PARK TO CONDUCT ITS ANNUAL POMPANO BEACH FISHING RODEO; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: In kind services \$430.00 a year)

**(Staff Contact:** Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and indicated that this is a three-year license agreement for the 50 plus year fishing rodeo. The event is wonderful and gets better each year

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

25. [17-390](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JULIE NEWTON** TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON APRIL 26, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Asceleta Hammond)

APPLICANTS:

***Julie Newton, Incumbent - District 1***

Sharon Fornes, Alternate #1 - District 5

Carrie Gill Pilon - District 3

***Strategic Plan Initiative***

**A motion was made by Vice Mayor Burrie, seconded by Commissioner Moss, to insert the name JULIE NEWTON and that the Resolution be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-235**



26. [17-397](#) Consideration of a Commission Policy to recess incomplete City Commission Meetings at a specified time to be determined.  
(Fiscal Impact: N/A)

**(Staff Contact:** Gregory Harrison)

Greg Harrison, City Manager indicated that the Commission directed staff to bring back a consideration item regarding a policy to recess incomplete city commission meetings at a specified time. The consensus of the group would be that at 11:00 p.m. there would be a pause to take a vote from the Commission to take a vote to decide whether to extend the meeting for another hour. After which time the Commission could decide as to when the meeting could be reconvened.

Mayor Fisher indicated that this was also discussed at the CRA meeting. The discussion centered around going to a time certain of 11:00 p.m. and then take a vote among the Commission to extend to another hour if so desire, otherwise they would take the remaining items, if any, to move them to the next City Commission level, recess the meeting and return the next day.

Mark E. Berman, City Attorney indicated that the meeting could be recessed to a time and date certain so that the meeting would continue from where it left off. The decision was to go “up to one hour” not to go to a one hour block but whatever time is necessary.

Mayor Fisher indicated that perhaps a super majority would vote on extending the time.

Comr. Hardin agreed with the suggestion and explained his reasons. He also agreed with the suggestion to go to 11:00 p.m. and if the Commission desires to continue the meeting to vote to extend it up to one hour and set it for 10:00 a.m. the next day, should there be other items on the agenda to be considered. A super majority would vote that the meeting go beyond 11:00 p.m.

Vice Mayor Burrie agreed to extend the meeting until 10:00 a.m. the next morning. She indicated for a meeting to commence from 6:00 p.m. to 11:00 p.m. is a reasonable time for a person’s attention span to function properly. However, to go from 6:00 p.m. to the next day 2:30 a.m. is a bit far reaching on individuals to include staff, members of the public and the Commission.

Comr. Moss also agreed with the suggested timing. In addition, adjourning until next morning would be far better for those items that may be time sensitive. He suggested that in preparing the Agenda that the City Clerk/City Manager make note of the time sensitive items and place those at the beginning of the agenda.

Comr. Sobel agreed to a reasonable time limit. However, he informed that he had checked into other cities throughout the County and found out that only three to four other cities have a time certain to end their Commission meetings. In fact, those cities he would not consider at the level of smart growth and activity such as the City of Pompano Beach. He credited the Mayor for running the meetings with such decorum, professionalism and respect, which is comparable to none in the County.

Comr. Sobel indicated that the first half an hour of the meeting time is taken up with Proclamations and Special Presentations and suggested that the time sensitive issues be placed first on the agenda and perhaps a special day or morning be considered when all the monthly proclamations, special presentations and special awards could be done. In addition, there should be more time limits considered for some of the issues. Finally, Comr. Sobel indicated that he has a very stringent court schedule and he has multiple meetings during the day. Therefore, if the meeting ends up spilling over to the next day at the short notice of the night prior, then he would be unable to make those next day meetings. He suggested that consideration be given as to when the reports would be done as well.

Tom Terwilliger, 3160 NW 1<sup>st</sup> Avenue, Pompano Beach, FL, requested that the City Commission do not limit the time for the meetings, but go to the end of the items and provided his reasons. Therefore, he suggested that staff in preparing the items should have a limited number of items so that the meeting does not go past 11:00 p.m.

Vicente Thrower, 1890 NW 6<sup>th</sup> Avenue, Pompano Beach, FL, inquired how the proposed new rule would work, which Mayor Fisher explained as, at the time of 11:00 p.m. the Commission vote to either adjourn or have a super majority vote to extend the meeting up to another hour. If there are items left over those will be carried over to 10:00 a.m. the next morning to complete.

Mr. Thrower mentioned that a working resident who works a regular 9-5 job would not get the opportunity to discuss an item if that item was brought back the next day at 10:00 a.m. He agrees to limit the time of the meeting, however, he objects to moving certain items to 10:00 a.m. the next morning after a meeting.

M. Ross Shulmister, 560 SE 12<sup>th</sup> Street, Pompano Beach, FL, indicated that the points made are important. If possible, the Commission ends their meetings. He agreed with Comr. Sobel that perhaps consideration be given to Proclamations and Special Presentations be done at a special meeting, because that would provide more time for a crowded meeting.

Michael Skversky, 1630 SW 5<sup>th</sup> Avenue, Pompano Beach, FL, agreed with Comr. Sobel's suggestions. He suggested that the items that are small with little known attention, should be placed to the next morning. The important stuff should be done first and minor items can be done the next day.

Comr. Hardin clarified that a policy is not written in stone. Rather it is a policy that can be changed. Therefore, Comr. Hardin went ahead and made the following motion.

Comr. Perkins indicated that should the meeting spill over to the next day, she would have problems attending those meetings as she has obligations on Wednesday morning. Nevertheless, she understands the importance of getting to certain items as early as possible.

Comr. Hardin indicated that it is important to continue to conduct Commission business as currently, to include proclamations, which some could be time sensitive and cannot be put off.

**A motion was made by Commissioner Hardin, seconded by Comr. Moss, that the Item for Consideration/Discussion be APPROVED, as follows: Commission Meetings to end at 11:00 p.m., with the option to extend the meeting for up to one additional hour with a super majority vote. Thereafter, recess the meeting and reconvene the next business day at 10:00 a.m. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Burrie

Fisher

**No:** Perkins

Sobel

## **F. REPORTS**

**City Manager Gregory Harrison – Results of Survey** – Mr. Harrison indicated that recently, a survey was done to look at the General Obligation (G.O.) Bond issue that was proposed for August 2017. He read an excerpt from the executive summary of the professional company that conducted the survey. It states, “General Mood of the Electorate. All indicators suggest a content and even happy electorate. When asked about the direction of Pompano Beach an astonishing 72% felt things were headed in the right direction. While less than 1 in 5, an 18% felt that things were headed in the wrong direction. Further, nearly 7 in 10 a 69% expressed a favorable opinion of the Pompano Beach City Commission. While only 1 in 5, a 21% felt that their City taxes were too high.” The survey results was dated March 28, 2017, which he will provide a copy to the City Commission.

**City Attorney Mark E. Berman** – No Report

**City Clerk Asceleta Hammond** – No Report.

**Commissioner Rex Hardin – Trash Pickup Event** – Comr. Hardin reiterated that the trash pickup event on last Saturday was great. There were tremendous participation from City personnel as well, and it would be great to continue the City’s participation that will have a lasting impression on everyone. If it is continued, every third Saturday, the City participation will help.

**Treatment of City Employees** - Comr. Hardin indicated that at the last Commission meeting there was an issue regarding fences and walls on the waterways. There was a resident, Angela Hill, who was outspoken regarding the issue and was actually calling Robin Bird, Development Services Director a liar, repeatedly. In sum, Comr. Hardin does not believe that a person should be allowed to call professional employees a liar at the City Commission meetings. He is unsure what can be done to discourage this kind of action, and can the Mayor stop this type of behavior.

Mark E. Berman, City Attorney, indicated that the only way to stop this type of action is if it is disruptive, and prevents the Commission from moving forward with business. Alternatively, they can be asked to cease and desist from doing that. Unfortunately, you cannot disallow a person from giving an opinion.

Gregory Harrison, City Manager, mentioned that the employees do work for the City Manager, and respectfully suggested that the City Commission refer to him those type of issues, such as a resident attacking an employee. He will then work with the concerned resident and report to the Commission.

**Community Park Issue on Easter Sunday** – Comr. Hardin reported that there was an issue at the Community Park on Easter Sunday. Both Mayor Fisher and Comr. Perkins were aware of the incident. This situation spiraled out of hand where the Community Park was shut down at one point in time, because there were so many people at the park with dirt bikes, ATV's, and vehicles. No special event permit was pulled. It appears a number of people went on social media to descend upon the City Park. The event had BSO alarmed. He stated that when you have a gathering of more than 2,000 people in an uncontrolled area, it could cause people to get hurt. Moreover, people in the neighborhood could not travel on the roads. This should not happen, and while people cannot be exempt from using a public park, over a certain amount of crowd showing up for one or more event then it should be noticed if not it should not be considered as a safe situation.

Comr. Hardin indicated that in this incident, when the Broward Sheriff's Office (BSO) saw the crowd, then they should shut down the event. The safety of the people in the park should be considered first.

Chief John Hale, Police Chief, BSO, indicated that he is unsure the police really needed to have something specifically from the Commission as it relates to legislative action. He then explained what happened in this situation, where it started with a small amount of people in the parking lot on the north side of the four fields. Unfortunately, it grew quickly where they had to deploy people.

**Background Information for Advisory Board members** – Comr. Hardin indicated an issue came up last meeting during discussion on fences and walls on waterways. A presentation was made on background information about people who were currently serving on advisory boards.

He suggested that there should be some type of check on Advisory Board members to ensure those serving are reputable.

Mayor Fisher asked what could be done to protect the City in this regard.

Mr. Berman responded that the Boards that deal with quasi-judicial matters, which are the Zoning Board of Appeals and Planning & Zoning Board (P&Z) has something in place. It states "The City Commission may, by majority vote of a quorum present, remove and replace any member of the Planning and Zoning Board at any time for good cause, including, but not limited to, poor attendance, lack of participation, unfitness, malfeasance, and conflict of interest. Any allegation of cause for removal shall be in writing, and the City Commission shall hold a public hearing on such an allegation before taking action to remove a board member. Therefore, each board has its own criteria. He suggested that staff could develop a series for the Commission's review and approval of general requirements for all board members.

Therefore, whatever the boards do staff can formulate something in addition to that and put that in the section of the code that deals with boards and committees. If the commission so desires, he will bring back something for their consideration in terms of showing proof of identification, if any false information was provided they could be removed. In other words, certain standards could be developed for all board members.

Comr. Hardin stated he is not looking to develop anything to boot someone off a board. However, if someone applies to serve on a board it is difficult to determine who that person is. Can there be a cursory check on the person's background, to ensure there is no hidden "dagger" in somebody's closet.

Mr. Berman suggested that certain things that could be required is to show proof of domicile, residency and one or two general statements to provide a comfort level in terms of the commission appointments. This should not be invasive, or cumbersome that will discourage volunteers wanting to serve. Perhaps, proof of identification by voters' registration.

Asceleta Hammond, City Clerk stated that on the application there is a question asking whether a person is a registered voter but no requirement to show proof. Actually, there is no background check in place for board members.

Comr. Hardin thought it would be better to be proactive rather than reactive and asked if the City Attorney could come up with some ideas.

**Status of Issues from Jay Ghanem Complaints at last Commission Meeting** – Comr. Hardin stated that Mr. Ghanem had a number of issues he brought up at the last meeting and asked Conde Enforcement Manager, Mario Sotolongo if he was able to address any of his concerns, and was any conclusion reached.

Mario Sotolongo, Code Compliance Department, responded that he submitted a full report to the City Manager. Most of the concerns were due to the Dixie Highway Assessment conducted. It was not a complaint. Mr. Sotolongo indicated that he communicated his findings to Mr. Ghanem the following day.

**Commissioner Barry Moss – National Rebuilding Day** – Comr. Moss reminded everybody about Saturday, April 29, of Collier City's Rebuilding Together Event. He encouraged anybody with some time to participate by rolling up their sleeves and give a hand. The group does incredible things for Pompano Beach.

**Recycling Efforts by the City of Pompano Beach** – Comr. Moss reported he received correspondence from Commissioner Sandra Welch, from the City of Coconut Creek, dated 2015, showing how much each municipality in Broward County recycles and Pompano Beach was at the bottom of the list. Perhaps this could be something the City may want to check into and participate in the recycling. Perhaps the numbers have improved since 2015, but the City was approximately third from the bottom of the list of those communities that recycle the most.

**Code Compliance Getting the Job Done** – Comr. Moss thanked Mario Sotolongo, Code Compliance for taking care of the issue at Cypress Bend with a lot of trash and overgrowth of landscaping behind one of the shopping centers that was in direct view by the community. The mess has been cleaned up and the new landscaping looks good. Job well done.

**Commissioner Beverly Perkins – Adopt a Street Program** – Comr. Perkins indicated that some years ago she had started the Adopt a Street program for the City, when she served on the Community Appearance Committee. She requested that the City Manager look into this program and try to get it going again, since the cleanup of Northwest Pompano has begun. The signs that has people's name on it that also says adopt a street.

**Second District 4 Empowerment Meeting** – Comr. Perkins stated that on May 3, 2017 at 5:30 p.m. she would be hosting her second NW Empowerment meeting at the E. Pat Larkins Center regarding the Broward Sheriff's Office (BSO). She encouraged everybody to come out at that time. Questions for BSO can be asked at that time.

**Neighborhood Cleanup** – Comr. Perkins thanked Mayor Fisher and Comr. Hardin for participating in the neighborhood cleanup in her district.

**Commissioner Michael Sobel – Water Taxi Project** – Comr. Sobel indicated that the Water Taxi project is scheduled to move along. The permits have been issued, the funding is in place. He understands that June is the commencement date and it may be done by August. He thanked Greg Harrison, City Manager and Horacio Danovich, CIP Manager for attending a meeting with the adjacent condominiums at Riverside Drive. The concern was the necessity of a decorative type of security gate that would make a statement to protect the water taxi station and also simultaneously benefit the condominiums from vagrancy and other types of issues in that park that will be anticipated to get more activity. Something will be done to protect the residents, the water taxi, and the new artwork that will go into the park. He asked for an update on it.

Mr. Harrison indicated that as he had mentioned to the group, they will be checking into their concerns and request and will work on getting these done.

**Wrapping of Utility Boxes** – Comr. Sobel also asked what can be done with the Easement where there are 6 – 8 big utility boxes that are on the easement that are not aesthetically pleasing.

Gregory Harrison, City Manager, indicated that the project to wrap all boxes citywide ran into a snag, because AT&T will not allow the City to wrap their boxes because it creates a temperature problem for their equipment inside the boxes.

Comr. Sobel indicated at the Sgt. Chris Reyka Park where the water taxi will be, there is a wall of AT&T boxes in a not so attractive green color. Hopefully, a resolution can be found for this issue.

**McNab Road** – Comr. Sobel indicated that the design of the roadway is near finalization. Additionally, they are working on the finalization of some type of bridge design, and that the Briny Avenue project has progressed quite well and will be concluded in August.

**Beach House Construction** - Comr. Sobel indicated that the beach house construction is moving along and the Oceanic Restaurant is scheduled to have permits submitted in the process in September/October. The other two buildings are also moving forward to some development in terms of the Alvin's Department store in one and the burger joint and ice cream store, unnamed, will be in the R2 parcel, which they are progressing along nicely.

**Elks Club Sale of Property** – Comr. Sobel asked about the Elks Club sale of property.

Mr. Harrison responded that the matter was done by resolution so there was no second reading.

**Comr. Sobel's Invitation to Talk** – Comr. Sobel announced that he will be either walking or golf carting the streets of District 1, over the next few months and encouraged everyone to come speak with him about matters regarding the neighborhood or any questions that they may have.

**Vice Mayor Charlotte Burrie – Cresthaven Park Refurbishing** – Vice Mayor Burrie indicated, that there were discussions regarding the Parks earlier. She indicated that there is a small park in her community located in the middle of Cresthaven that not many people are aware of it. She provided a history of how the City got the park ready for children. Now the park is in a deplorable state, the play equipment is not in good

shape. In addition, teenagers hang out after hours smoking marijuana and drug activities are going on. Therefore, she requested that Public works look at the equipment as well as what BSO can do to deter those teenagers that would get there to do drugs.

**Speeding Vehicles in Cresthaven** – Vice Mayor Burrie asked about traffic calming for the section of 12<sup>th</sup> Avenue that comes out onto Copans Road. The traffic going through the area is speeding and there are small kids that are on the streets. She described the location where there is a stop sign on 24<sup>th</sup> and on 12<sup>th</sup> Avenue, which used to be a main drive into Cresthaven, but when FDOT put the barrier on a left hand turn is prohibited if heading east. The cars that speed through is not aware of this. She asked if anything could be done to deter the speeding through that area.

Captain Wayne Adkins, Executive Officer, BSO, stated that they can do a speed study in the location and to put some traffic counters down. In the past, it was not warranted, as the numbers did not reach the threshold to have a study done.

Vice Mayor Burrie indicated that it is not necessarily the amount of traffic but rather it is the ones that come through at a very fast speed.

Captain Adkins explained that they look at the volume and speed but the volume is not an overriding factor. Nevertheless, they will do a traffic study and measure the speed through traffic.

**Mayor Lamar Fisher – New Marriott Residence Inn** – Mayor Fisher indicated that the City welcomed the Marriott Residence Inn at I-95 and Copans Road, which is almost opened. Comr. Perkins and he did a walk through and it is beautiful. He extended warm welcome to the Marriott and encourage people to utilize the beautiful facility.

**City of Pompano Beach Top Ten Cities** – Mayor Fisher announced that the City of Pompano Beach was named one of the top ten cities in the U.S. for active retirement; it is an economically viable city and provides affordable housing, outstanding health care and a wide range of social and recreational activities. Smart Assets, personal finance website shifted through the data and 575 large cities looking for a walkable space, to provide plenty of golf courses, bike trails, fitness centers along with low tax rates and top notch medical centers. Congratulations to Pompano Beach for making the top ten.

#### **G. ADJOURNMENT**

The meeting was adjourned at 10:00 p.m.

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Lamar Fisher, Mayor

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Asceleta Hammond, City Clerk



# City of Pompano Beach Parking Management





# Key Proposed Parking Ordinance Amendments

## 3 Rate Tiers Tied to Demand

1. **Off-season – (LOW) – April 16 – Nov. 14**  
(ranges from \$1.25/hr to \$1.75/hr)
2. **Season – (MEDIUM) Nov. 15 – April 15**  
(ranges from \$1.50/hr to \$2.25/hr)
3. **Holidays/Events – (HIGH)**  
(ranges from \$1.75/hr to \$2.75/hr - plus flat rates \$10 - \$20)





Legend:			
<u>Zone</u>	<u>Off Season</u>	<u>Season</u>	<u>Holidays/Events</u>
01	\$1.25	\$1.50	\$1.75
02	\$1.25	\$1.75	\$2.25
03	\$1.75	\$2.25	\$2.75



# Key Proposed Parking Ordinance Amendments

- Increasing resident permits to \$120/year (\$60 semi-annual)
- New south end resident parking permit (Briny area) - \$120/year
- Policy for parking in garage during disastrous weather conditions
- Clarify policy for free parking
- Variable parking rates not to exceed 20%

# Key Points

- Still below the market for neighboring communities
- Residents and businesses will still enjoy low parking rates at \$1.25/hr for Garage and Oceanside during off season
- Residents permits - \$120/year or \$60/semi-annual for Oceanside lot – no overnight parking
- Overnight permits – residents/businesses will be able to purchase permits for Oceanside lot (\$50/month)
- Residents & businesses will be able to purchase monthly overnight permits for the garage - (\$100/month)



# Why Raise Rates?

- Control demand for peak areas/season
- Charge more for most desirable locations, charge less for garage and areas one block from the beach
- Enhance customer service
- Fund parking operations, area capital improvements
- Build reserves/ operating surpluses – position us for future financings

# Questions?